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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,761	02/25/2004	Loren Konkus	BEAS-01376US0	2841
23910 7590 07/24/2008 FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108				
EXAMINER KEATON, SHERROD L				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/786,761

**Applicant(s)**

KONKUS ET AL.

**Examiner**

Sherrod Keaton

**Art Unit**

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to the filing on 3-11-2008. Claims 1-41 are pending and have been considered below:

#### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter. Claims 1-19 of instant application do not specify that the claimed invention includes hardware. As such, the language of the claim merely describes a computer program per se. This raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine, which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 USC 101.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-13, 15-19, 20, 22-27, 28, 30-34, 35, 37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiegel (US 6484261 B1) in view of Freeman et al ("Freeman" US 20020002613 A1).

**Claims 1, 9, and 11:** Wiegel discloses an extensible administration tool comprising:

- a.) a first graphical user interface operable to provide hierarchical navigation of a tree (Column 4, Lines 7-33 and 59-65);
- b.) a second (graphical user interface) GUI operable to provide at least one control panel (Column 16, Lines 4-25);
- c.) a framework for customizing the first and second GUI'S (Column 5, Lines 24-41);
- and
- d.) one control panel can be activated by selection of the node in the tree (Column 15, Lines 5-42), (Column 16, Lines 3-24). Once a node is selected it activates the controlling of the system associated with that node.
- e.) tool can be used to administer resources within an application and/ or web server (Column 12, Lines 5-24).
- f.) wherein the administration tool is used to administer software and wherein the administration tool is extensible by adding the at least one control panel, the at least

one control panel being added by updating the tree (Column 15, Lines 56-67) . The administration component constructs network security policies, these policies consist of software. A control panel is a utility that allows one to control aspects of a system or hardware (i.e. network parameters). The administrator is constructing the network security and an icon is dragged into a node updating the network tree.

g.) Wiegel discloses a control panel but does not explicitly disclose wherein the administration tool is used to administer an application server and the administration tool is allowed for the management of third party software. However Freeman discloses an application server with the use of an administration tool and configuring (management) of sent applications (third party software) (Page 30, Paragraphs 465-467). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the administrative tool of Wiegel to send applications and managing as taught by Freeman. One would have been motivated to allow distribution and management of software to improve the functionality and capabilities provided to the administration tool.

**Claims 2 and 12:** Wiegel and Freeman disclose an extensible administration tool as in Claim 1 above and Wiegel further discloses:

- a.) first group of services related to extending the tree (Column 5, Lines 61-67); and
- b.) second group of services related to defining a control panel (Column 5, Lines 24-40).

**Claims 3 and 13:** Wiegel and Freeman disclose an extensible administration tool as in Claim 2 above and Wiegel further discloses:

- a.) first function operable to add node to the tree (Column 5, Lines 61-67), (Column 14, Lines 20-35); and
- b.) node can associated with an icon or a (URL) uniform resource locator (Column 36-52);

**Claims 5 and 15:** Wiegel and Freeman disclose an extensible administration tool as in Claim 2 above and Wiegel further discloses the first function operable to create a control panel (Fig 4B-5), (Fig 6, (Column 26, Lines 24-53).

**Claims 6 and 16:** Wiegel and Freeman disclose an extensible administration tool as in Claim 1 above and Wiegel further discloses:

- a.) the tree contains at least one node (Column 5, Lines 60-67); and
- b.) where at least one node can represent a network-accessible entity that can be administratively controlled by the tool (Column 7, Lines 4-10), (Column 12, Lines 5-24).

**Claims 7 and 17:** Wiegel and Freeman disclose an extensible administration tool as in Claim 1 above and Wiegel further discloses:

- a.) the tree contains at least one node (Column 5, Lines 60-67); and
- b.) at least one node is associated with at least one node of: 1.) menu; 2.) another node; 3.) a control panel (Fig 3), (Column 15, Lines 5-65 ). Fig 3 shows nodes associated with

Art Unit: 2175

additional nodes and a control panel, which allows a administrator to manipulate each of the nodes.

**Claims 8 and 18:** Wiegel and Freeman disclose an extensible administration tool as in Claim 1 above and Wiegel further discloses the tree providing a graphical representation of network resources (Column 15, Lines 29-51).

**Claims 10 and 19:** Wiegel and Freeman disclose an extensible administration tool as in Claims 1 and 11 above but does not explicitly disclose that the control panel can include tabs. However Wiegel does disclose that the system is run on Microsoft Windows. Therefore it would have been obvious that Wiegel is capable of implementing tabs and the technique of adding or using tabs is recognized as part of the ordinary capabilities of one skilled in the art. One would have been motivated to have tabs to allow administrator to view and navigate through available system configurations or show security controls.

**Claims 20, 26, 28 and 35:** Wiegel discloses a method for customizing an administration tool having a machine-readable medium, said method and machine-readable medium comprising:

- a.) providing a control panel wherein the control panel is operable to configure a network-accessible resource (Column 7, Lines 4-10), (Column 12, Lines 5-24);
- b.) adding a node to graphical representation of a resource tree (Column 5, Lines 61-67), (Column 14, Lines 20-35);
- c.) associating a node with the control panel (Column 15, Lines 57-65), This allows the controls to be represented in an icon which can be associated to a node;
- d.) tool can be used to administer resources within an application and/or web server (Column 12, Lines 5-24).
- e.) tool can be used to administer resources within an application and/or a web server (Column 15, Lines 43-51).
- f.) wherein the administration tool is used to administer software and wherein the administration tool is extensible by adding the at least one control panel, the at least one control panel being added by updating the tree (Column 15, Lines 56-67). The administration component constructs network security policies, these policies consist of software. A control panel is a utility that allows one to control aspects of a system or hardware (i.e. network parameters). The administrator is constructing the network security and an icon is dragged into a node updating the network tree.
- g.) Wiegand discloses a control panel but does not explicitly disclose wherein the administration tool is used to administer an application server and the administration tool is allowed for the management of third party software. However Freeman discloses an application server with the use of an administration tool and configuring (management) of sent applications (third party software) (Page 30, Paragraphs 465-



Art Unit: 2175

467). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the administrative tool of Wiegel to send applications and managing as taught by Freeman. One would have been motivated to allow distribution and management of software to improve the functionality and capabilities provided to the administration tool.

**Claims 22, 30, and 37:** Wiegel and Freeman disclose a method for customizing an administration tool having a machine-readable medium as in Claims 20, 28 and 35 above and further discloses making the node a child node of at least one other node (Fig 7A and Fig 7B), (Column 12, Lines 16-30). The reference refers to the child node as a leaf node also represented in the drawings.

**Claims 23, 31, and 38:** Wiegel and Freeman disclose a method for customizing an administration tool having a machine-readable medium as in Claims 20, 28 and 35 above and Wiegel further discloses:

- a.) the tree contains at least one node (Column 5, Lines 60-67); and
- b.) where at least one node can represent a network-accessible entity that can be administratively controlled by the tool (Column 7, Lines 4-10), (Column 12, Lines 5-24).

**Claims 24, 32, and 39:** Wiegel and Freeman disclose a method for customizing an administration tool having a machine-readable medium as in Claims 20, 28 and 35 above and Wiegel further discloses:

- a.) the tree contains at least one node (Column 5, Lines 60-67); and
- b.) at least one node is associated with at least one node of: 1.) menu; 2.) another node; 3.) a control panel (Fig 3), (Column 15, Lines 5-65 ). Fig 3 shows nodes associated with additional nodes and a control panel, which allows a administrator to manipulate each of the nodes.

**Claims 25, 33, and 40:** Wiegel and Freeman disclose a method for customizing an administration tool having a machine-readable medium as in Claims 20, 28 and 35 above and Wiegel further discloses the tree providing a graphical representation of network resources (Column 15, Lines 29-51).

**Claims 27, 34, and 41:** Wiegel and Freeman disclose an extensible administration tool as in Claims 20, 28, and 35 above but does not explicitly disclose that the control panel can include tabs. However Wiegel does disclose that the system is run on Microsoft Windows. Therefore it would have been obvious that Wiegel is capable of implementing tabs and the technique of adding or using tabs is recognized as part of the ordinary capabilities of one skilled in the art. One would have been motivated to have tabs to

Art Unit: 2175

allow administrator to view and navigate through available system configurations or show security controls.

4. Claims 4, 14, 21, 29, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiegel (US 6484261 B1) and Freeman et al ("Freeman" US 20020002613 A1) As applied to Claims 1, 11, 20, 28 and 35 in further view of Zellweger (US 6397222 B1).

**Claims 4 and 14:** Wiegel and Freeman disclose an extensible administration tool however does not explicitly disclose that the URL address of a control panel implementation. However Zellweger discloses a method and apparatus for end user management of a content menu on a network and further discloses that a URL is an address of a control panel implementation (Column 4, Lines 6-27) and (Column 6, Lines 49-56). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have the URL as an address of the control panel implementation in Wiegel as taught by Zellweger. One would have been motivated to have the URL address to supplement the visualization of hypertext material.

**Claims 21, 29, and 36:** Wiegel and Freeman disclose an extensible administration tool however does not explicitly disclose implementing a Java Server Page (JSP). However Zellweger discloses a method and apparatus for end user management of a content

menu on a network and further discloses Hypertext files that include source code formats like HTML (Column 5, Lines 7-19). Java Sever Pages also use HTML in their documents. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to implement JSP in Wiegel as taught by Zellweger. One would have been motivated to have the JSP to allow specific content access and allow merging of content and links.

### ***Response to Arguments***

Applicant's arguments have been fully considered but they are not persuasive.

5. Per claim 1, Applicants argues that Freeman administration tool does not disclose being extensible in addition to working with third party software. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Examiner notes that Freeman was brought in to show functionality of operating third party software, as for the extensible functionality that is provided in Wiegel allowing for the constructing of network security and updating the network tree.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrod Keaton whose telephone number is 571) 270-1697. The examiner can normally be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is

571-273-3800. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLK  
7-11-08

/William L. Bashore/  
Primary Examiner, Art Unit 2175